

Application No. 10/826,932
Examiner: NINI F. LEGESSE

Applicant: DEVARNEY, CRAIG NEIL
Art Unit 3711

IFW



COVER SHEET

RESPONSE TO OFFICE ACTION

TO: Examiner NINI F. LEGESSE Art Unit 3711

From: Applicant: DEVARNEY, CRAIG NEIL Application No.
10/826,932

Date 1/14/2005

Attached to cover sheet are pages numbered 1-8.

Pages 1,2 and 3 are argument.

Page 4 is a copy of original claims.

Pages 5,6 are amended claims.

Pages 7,8 are copy of amended claims in "clean" text format.

It would be appreciated if receipt of the enclosed pages by the examiner was acknowledged. I can be notified at;
cdevarney@msn.com or 802-878-6498

Thank you,

Craig N. Devarney



Respectfully, I submit Amended Claims and argument for the pending patent application. I will refer to the pending application as "DeVarney".

I have amended claim 1 significantly. The original writing was clumsy and failed to get patent consideration of the major points of this invention. These points cover the uniqueness and basis of my invention, and also define distinction between Keheley and DeVarney.

The following arguments will show that Keheley's invention cannot provide the function of DeVarney. I also respectfully submit that in view of those differences, Barton should not apply. Further argument will be provided that Barton and DeVarney are also distinctively different.

Argument 1: Keheley cannot provide the invented function of DeVarney.

Keheley's Novelty Club produces sound after the club has collided with an object. It is silent otherwise, and has no link to any phase of a golf swing. This is the critical difference of design and invention. Keheley is silent during the performance of a golf swing. Keheley did not conceive, invent, or disclose such capability as to provide a synchronized swing to sound relationship.

Argument 2: Keheley cannot be used as a Training Club.

Keheley's Novelty Club is silent during performance of a golf swing. There is no possibility to provide a synchronized swing to sound relationship. Keheley did not discuss, invent, or disclose any synchronized ability or design.

Argument 3: DeVarney / Keheley design difference is significant.

DeVarney conceived the idea of creating a Golf Training Club with the means to provide an automatic and synchronized sound to swing relationship. Keheley did not. This is an original idea and required design of a specialty sensor providing the means to detect the initial movement of a golf swing, wherein, the club once stationary and adjacent to the ball is subsequently placed in motion in a direction away from the ball. The design needed to be extremely sensitive yet tolerant to the many different ways golfers hold a golf club. The design also requires supporting circuitry to provide the means for the Training Club to be inactive until it is held motionless for a brief moment before start of a golf swing. Keheley did not state, invent, or discuss necessary circuitry as to provide a nearly instantaneous initiation of sound play.